



Embassy of the United States of America

Manila, Philippines

FILED
DISTRICT COURT OF GUAM

NOV - 2 2004

MARY L. M. MORAN
CLERK OF COURT

366

Republic of the Philippines)
City of Manila)
Embassy of the United States of America) S.S.

I hereby certify that I received the annexed letters rogatory and accompanying documents on the date shown below.

September 20, 2004

(Date of Receipt)

Republic of the Philippines
Department of Foreign Affairs

(Transmitting Authority)


(Signature of Consular Officer)

Christopher Rowan

(Typed Name of Consular Officer)

Consul of the
United States of America

(Title of Consular Officer)

September 27, 2004

(Date)

RECEIVED
NOV - 2 2004
DISTRICT COURT OF GUAM
HAGATNA, GUAM

ACTION: ... **ACS**
INFO: **CHRON**

CON / ACS

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No. **042404**

The Department of Foreign Affairs presents its compliments to the Embassy of the United States of America and, with reference to the latter's Note No. 0831 dated 6 August 2004, has the honor to inform the Embassy that the Office of the Court Administrator, Supreme Court of the Philippines, has informed the Department that "requests for extraterritorial service of documents from foreign ministries of other states may be granted only if the said legal documents are involved in an actual case or controversy pending for resolution or disposition by (Philippine) lower courts."

The records furnished to the Department by the Embassy does not show that an actual case is pending for resolution or disposition by a Philippine court. Consequently, it is regretted that the request for international judicial assistance made by the United States District Court of Guam for service of process on Mr. Vashi Jadwani could not be favorably considered by Philippine judicial authorities. The documents are, accordingly, returned to the Embassy.

The Department of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

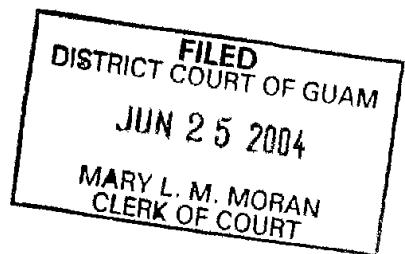
U.S. EMBASSY
MANILA, PHILIPPINES

2004 SEP 17 PM 3 29



LAW OFFICES OF BRONZE & TANG

A Professional Corporation
BankPacific Building, 2nd Floor
825 South Marine Corp Drive
Tamuning, Guam 96913
Telephone No.: (671) 646-2001
Facsimile No.: (671) 647-7671



Attorneys for Defendant The Hongkong and Shanghai Banking Corporation Ltd.

IN THE DISTRICT COURT OF GUAM

ALAN SADHWANI, LAJU)	CIVIL CASE NO. 03-00036
SADHWANI, and K. SADHWANI'S)	
INC., a Guam corporation,)	
)	
Plaintiffs,)	
)	
v.)	LETTERS OF REQUEST FOR
)	TAKING THE DEPOSITION AND
HONGKONG AND SHANGHAI)	PRODUCTION OF DOCUMENTS
BANKING CORPORATION, LTD.,)	OF VASHI JADWANI IN THE
et al.,)	REPUBLIC OF THE PHILIPPINES
)	
Defendants.)	
)	
)	

TO: APPROPRIATE JUDICIAL AUTHORITY OF THE REPUBLIC OF THE PHILIPPINES

I, Federal Magistrate Judge of the United States District Court of Guam, respectfully request the assistance of your court with regard to the following matters.

Whereas, a civil proceeding is now pending in the United States District Court of Guam between certain plaintiffs and defendant.

And whereas it has been represented to the said Court that it is necessary for the purposes of justice and for the due determination of the questions in dispute between the parties in the

proceeding that certain persons should be examined as witnesses upon oath. It appears that such witness is a resident within your jurisdiction.

Now I, a federal judge of the United States District Court of Guam, hereby issue this Letter of Request for judicial assistance, in accordance with FRCP 28(b), on the taking of depositions in civil matters, as follows:

1. A claim is now pending in the United States District Court of Guam as follows:

Alan Sadhwani, Laju Sadhwani, K. Sadhwani's, Inc. v. Hongkong and Shanghai Banking Corporation, Ltd., John Doe I through John Doe X, Civil Case No. 03-00036 (U.S. District Court of Guam).

2. The names of the parties to the proceedings, and their representatives, are as follows:

- A. Plaintiffs Alan Sadhwani, Laju Sadhwani, and K. Sadhwani's, Inc.

Attorneys: Joaquin C. Arriola
Anita P. Arriola
ARRIOLA, COWAN & ARRIOLA
259 Martyr Street, Suite 201
Hagatña, Guam 96910

- B. Defendant Hongkong and Shanghai Banking Corporation, Ltd.

Attorneys: Jacques G. Bronze
LAW OFFICES OF BRONZE & TANG
BankPacific Building, 2nd Floor
825 South Marine Corp Drive
Tamuning, Guam 96913

Marcial O.T. Balgos
BALGOS & PEREZ
1009 West Tektite Tower
Exchange Road, Ortigas Centre
Pasig City, Philippines

3. The nature of the proceedings for which the evidence is required and all necessary information in regard to the proceedings are as follows:

Plaintiffs Alan Sadhwani, Laju Sadhwani and K. Sadhwani's, Inc. (collectively "Plaintiffs") filed a Second Amended Complaint alleging that HSBC breached its duty of good faith and fair dealing; breached the loan workout agreement; breached the Promissory Note Modification Agreement; committed intentional misrepresentation; breached its fiduciary duty; and breached its duty not to divulge Plaintiffs' confidential banking information. Plaintiffs seek compensatory and punitive damages.

This proceeding is scheduled for trial beginning on October 19, 2004 in the United States District Court of Guam. The discovery deadline (the date for completion of all discovery, including depositions) in the case has been extended to August 17, 2004, pursuant to an order of Court. The evidence sought herein is essential to the trial in this proceeding, is intended to be given at trial, and will be admissible at trial.

4. It is necessary for the purposes of justice and for the due determination of the matters in dispute between the parties that you cause the following witness, who is a resident within your jurisdiction, to be examined and documents be produced. The name and address of the witness is as follows:

A. Mr. Vashi Jadwani
Jadwani International Inc.
#4 Ind'l Avenue
Severin Industrial Estate
KM. 16 South Super Highway
1700 Paranaque, Metro Manila
Philippines

5. The documents which the witness should produce at the deposition is as shown on Exhibit "1" attached and incorporated by reference herein. The subject matter about which the witness is to be examined is as follows:

A. Mr. Vashi Jadwani ~ Mr. Jadwani is the owner of Jadwani International Inc.. He has been identified by Plaintiffs as a witness in their Responses and Objections to Defendant's First Set of Interrogatories. Mr. Jadwani is known or believed to have substantial relevant discoverable information. He will be examined on, and amongst other matters, his or his company(s) involvement and knowledge of any negotiations and/or agreements relating to any purported financing of Plaintiffs relating to their loan with HSBC.

Now I, a Magistrate Judge of the United States District Court of Guam hereby request that for the reasons aforesaid and for the assistance of the said Court you will be pleased to summon the said Mr. Vashi Jadwani to produce the list of documents attached as Exhibit "1" and attend at such time and place as you appoint before you, or such other person as according to your procedure is competent to take the examination of witnesses, and that you will cause such witness to be examined orally and by tape recording or video recording, in the presence of the agents of the Plaintiffs and Defendant or such of them as attend the examination on due notice given.

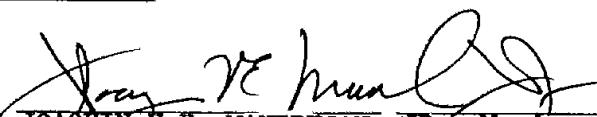
And I further request that you will permit the agents of both Plaintiffs and Defendant or such of them as are present to examine orally upon the subject matter thereof arising out of the answers thereto, said witness as is, after due notice in writing, produced on their behalf, and the other party to cross-examine the said witness orally and the party producing the witness for examination to re-examine him orally.

And I further request that you will be pleased to cause the evidence of said witness Mr. Vashi Jadwani to be reduced into writing, and all books, documents and things produced on such examination to be duly marked for identification, and that you will be further pleased to authenticate such examination by the seal of your Court in such other way as is in accordance with your procedure and to return it together with a note of the charges and expenses payable in respect of the execution of this request through the Defendant from whom the same was received for transmission to the United States District Court of Guam and to return the written evidence and documents produced to me addressed as follows:

United States District Court of Guam
4th Floor, U.S. Courthouse
520 West Soledad Avenue
Hagåtña, Guam 96910

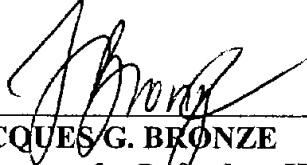
And I further request that you will cause the agents of the parties at the addresses stated above, or in default will cause me, to be informed of the date and place where the examination is to take place.¹

DATED: June 25, 2004

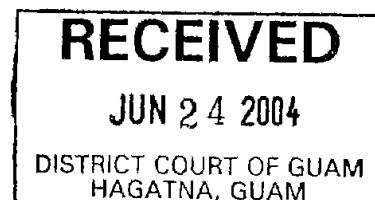

JOAQUIN V.E. MANIBUSAN, JR., Magistrate Judge
District Court

Presented By:

LAW OFFICES OF BRONZE & TANG
A Professional Corporation

By: 

JACQUES G. BRONZE
Attorneys for Defendant HSBC



¹ The Proposed Notice of Taking Deposition and Production of Documents of Vashi Jadwani is attached as Exhibit "2."

CERTIFICATE OF SERVICE

I, JACQUES G. BRONZE, hereby certify that on June 24, 2004, I caused to be served via hand delivery, copy of the **LETTERS OF REQUEST FOR TAKING THE DEPOSITION AND PRODUCTION OF DOCUMENTS OF VASHI JADWANI IN THE REPUBLIC OF THE PHILIPPINES** to:

Joaquin C. Arriola
Anita P. Arriola
ARRIOLA, COWAN & ARRIOLA
259 Martyr Street, Suite 201
Hagåtña, Guam 96910

Attorneys for Plaintiffs

DATED: June 24, 2004.

LAW OFFICES OF BRONZE & TANG
A Professional Corporation

By: _____


JACQUES G. BRONZE
Attorneys for Defendant HSBC

LAW OFFICES OF BRONZE & TANG

A Professional Corporation
BankPacific Building, 2nd Floor
825 South Marine Corp Drive
Tamuning, Guam 96913
Telephone: (671) 646-2001
Facsimile: (671) 647-7671

Attorneys for Defendant Hongkong and Shanghai Banking Corporation, Ltd.

DISTRICT COURT OF GUAM

ALAN SADHWANI, LAJU)	CIVIL CASE NO. 03-00036
SADHWANI, and K. SADHWANI'S)	
INC., a Guam corporation,)	
)	
Plaintiffs,)	EXHIBIT "1" TO LETTERS OF
)	REQUEST FOR THE DEPOSITION
v.)	AND PRODUCTION OF DOCUMENTS
)	OF VASHI JADWANI
HONGKONG AND SHANGHAI)	
BANKING CORPORATION, LTD.,)	
et al.,)	
)	
Defendants.)	
)	

DEFINITIONS

1. "Documents" means the original and any non-identical copy of all "writings," "recordings," and "photographs" including, but not limited to, letters, telegraphs, cablegrams, telexes, memoranda, notes, records, reports, studies, calendars, diaries, agenda, minutes, books, pamphlets, periodicals, newspaper clippings, graphs, indexes, charts, tabulations, statistical accumulations, ledgers, financial statements, accounting entries, press releases, contracts, affidavits, transcripts, legal documents, records of meetings and conferences, records of conversations, and telephone calls, still photographs, video tapes, motion pictures, tape

recordings, microfilms, punch cards, programs, printouts, lie detector examination records, recordings made through data processing techniques, and the written information necessary to understand and use such films and records.

2. A document "relating to" or that "relates to" any given subject means any document that in whole or in any part constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any way pertinent to that subject, including without limitation, a document concerning the preparation of other documents.

3. The words "you," or "your," and "yours" refers to Vashi Jadwani and/or Jadwani International Inc. and their predecessors, successors, assigns, agents, attorneys, directors, officers, employees, representatives, and any subsidiary or affiliated entities, and each of them.

DOCUMENTS REQUESTED

1. All documents, records, or papers in your possession, custody, or control pertaining or relating to your attempts to provide a loan or financing to K. Sadhwani's Inc..

2. All documents, records, or papers in your possession, custody, or control pertaining to your attempt to provide a loan or financing to Alan and Laju Sadhwani.

3. All documents, records, or papers in your possession, custody, or control pertaining or relating to K. Sadhwani's Inc..

4. All documents, records, or papers in your possession, custody, or control pertaining to Alan and Laju Sadhwani.

5. All documents, records, or papers in your possession, custody, or control pertaining or relating to any communication with Don Hemlani relating to you providing a loan or financing to K. Sadhwani's Inc..

6. All documents, records, or papers in your possession, custody, or control pertaining or relating to any communication with Don Hemlani relating to you providing a loan or financing to Alan and Laju Sadhwani.

7. All documents, records, or papers in your possession, custody, or control pertaining or relating to your attempts to make loans or provide any financing to any persons or entities in Guam.

8. All documents, records, bank statements, or papers in your possession, custody, or control pertaining or relating to your cash balances or credit facilities for year 2003.

DATED this 24th day of June, 2004.

**LAW OFFICES OF BRONZE & TANG
A Professional Corporation**

By: 

JACQUES G. BRONZE
Attorneys for Defendant HSBC

LAW OFFICES OF BRONZE & TANG

A Professional Corporation
BankPacific Building, Suite 201
825 South Marine Corp Drive
Tamuning, Guam 96913
Telephone No.: (671) 646-2001
Facsimile No.: (671) 647-7671

*Attorneys for Defendant and Cross-Complainant
Hongkong and Shanghai Banking Corporation Ltd.*

IN THE DISTRICT COURT OF GUAM

ALAN SADHWANI, LAJU)	CIVIL CASE NO. 03-00036
SADHWANI, and K. SADHWANI'S)	
INC., a Guam corporation,)	
)	
Plaintiffs,)	
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v.)	
)	NOTICE OF TAKING DEPOSITION
)	AND PRODUCTION OF DOCUMENTS
)	OF VASHI JADWANI
HONGKONG AND SHANGHAI)	
BANKING CORPORATION, LTD.,)	
et al.,)	
)	
Defendants.)	
)	
)	

TO: THE PLAINTIFFS, ALAN SADHWANI, LAJU SADHWANI, and K. SADHWANI'S INC., AND THEIR ATTORNEYS OF RECORD AND RELEVANT PERSONS:

PLEASE TAKE NOTICE THAT pursuant to Letters of Request, issued by the District Court of Guam for the Territory of Guam, a copy of which is attached hereto, Defendant Hongkong and Shanghai Banking Corporation, Ltd. will take the deposition of **VASHI**

JADWANI on _____, 2004¹, beginning at _____ A.M., at the Law Firm of Balgos & Perez, 1009 West Tektite Tower, Exchange Road, Ortigas Center, Pasig City, Philippines. The deposition will continue from day to day, excluding Saturdays and Sundays, until completed. The deposition will be before a Philippine Notary Public and will be recorded by stenographic means. The Letters of Request further request that Mr. Vashi Jadwani be required to bring certain documents as described in the Letters of Request attached hereto.

DATED this 24th day of June 2004.

**LAW OFFICES OF BRONZE & TANG
A Professional Corporation**

By: 

JACQUES G. BRONZE
*Attorneys for Defendant and Cross-Complainant
Hongkong and Shanghai Banking Corporation, Ltd.*

¹ The time for the deposition shall be set by the Philippine Court after it has an opportunity to review the Letters of Request.